

FARMINGTON CITY COUNCIL MEETING

Wednesday, August 4, 2004

CITY COUNCIL WORK SESSION/EAST CONFERENCE ROOM

PRESENT: Mayor David M. Connors, Council Members Richard Dutson, David Hale, Larry W. Haugen, Susan T. Holmes, Sidney C. Young, City Planner David Petersen, Youth City Council Mayor Rachel Montgomery and City Recorder Margy Lomax.

Mayor Pro Tem Susan Holmes called the meeting to order at 6:35 p.m.

The agenda items for the regular City Council meeting to be held at 7:00 p.m. were briefly reviewed.

Agenda Item #4 - Continuation of a public hearing regarding the petition of Wayne and Sheridan Hansen for the City to vacate a portion of the 600 North Street right of way. Concern was expressed about not wanting to hold the Hansens up. It was the feeling that the request for vacation was premature due to pending development in that area.

Agenda Item #5 - Consideration to sell undeveloped remnant parcel of Heritage Park. Susan Holmes reported that she had received two emails; one from Tom and Sandy Weeks and the other from Marc Rogers who are not in favor of the City selling the remnant parcel for a building lot. The Weeks live right next to the parcel and stated that they would prefer a parking lot rather than a building lot.

David Hale stated that he had spoken with neighbors and felt there was a concerted feeling of support for the City selling the parcel as a building lot. He stated that anyone building a home on the lot would be subject to the same covenants, conditions and restrictions as those of the adjoining subdivision.

Agenda Item #6 - Request for Schematic Plan Approval for Gines Acres Subdivision. This item was continued from the July 21 City Council meeting in order to allow time for Council Members Holmes and Young to meet with Gary and Kent Gines to discuss this issue. That meeting had taken place and was now back on the agenda for Council action.

(Mayor Connors arrived at 6:50 p.m.)

Agenda Item #10 - Ordinance adopting and enacting 14-6-125 pertaining to motorized scooters. This ordinance has been adopted by other cities and had been requested by Council to be considered for adoption.

Agenda Item #12 - Ken Hardy Proposal. Staff is seeking direction from the City Council on how to respond to Mr. Hardy's proposal regarding his property in west Farmington.

REGULAR CITY COUNCIL MEETING/CHAMBERS/CALL TO ORDER

Mayor Connors opened the meeting and excused City Manager Max Forbush from the meeting because he was out of town. Council Member David Hale offered the invocation.

Preston McOmber of Boy Scout Troop 1365 led the audience in the Pledge of Allegiance.

Approval of Minutes

The minutes were approved with corrections upon motion by **Sid Young** and a second by **Larry Haugen**. The motion was passed by all Council Members voting affirmatively except for Susan Holmes who abstained because she had not been in attendance at the meeting.

Planning Commission Report

There was no Planning Commission report due to the fact that the Planning Commission had not held a meeting since the last City Council meeting on July 21st.

Public Hearing: (Continued) Consideration of Petition and Ordinance Vacating a portion of the 600 North Street Right of Way - Wayne and Sheridan Hansen

This hearing had been continued from a previous City Council meeting because the petitioner had not been available at that time. David Petersen introduced the agenda item stating that the applicant had petitioned the City to vacate a portion of 600 North Street right of way that comes into their front yard.

Council Member Larry Haugen declared a conflict of interest on this agenda item and recused himself from the Council. He left the stand and joined others in the audience.

Mr. Petersen stated that the Planning Commission had taken a field trip to the property to view the area. The Planning Commission is recommending Council approval of the request because there is no application for development pending at the present time.

Mayor Connors opened the meeting to a public hearing at 7:15 p.m.

The applicant, **Wayne Hansen**, 23 East 600 North, addressed the Council stating that their request seems totally logical in that all the other neighbors on 600 North in prior years have had a portion of the street vacated to them. He stated the reason for the request is to protect their property and its appearance. The vacation request is for a strip 40' x 30' in front of their property on 600 North Street.

Sheridan Hansen stated that they have owned the home for six years which was previously owned by her great-grandmother. They have been remodeling and restoring the home. They want to beautify the area, but don't want to if it doesn't belong to them. She expressed strong feelings against having an RDA in the area feeling that it would destroy their property.

Larry Haugen, 94 East 500 North, owner of Haugen Auto and Body Shop on 600 North, addressed the Council. He owns nine acres next to the Hansens' property. He stated that he has been in negotiations with a developer to subdivide his property into 22-25 lots with a big piece of open space on the top of the hill. The property owner to the north of Mr. Haugen, Tom Owens, is also included in the development negotiations. He stated that discussions have been held with the City regarding the creation of a Redevelopment Agency for the area.

With no further public comment, Mayor Connors closed the public hearing at 7:25 p.m.

Motion:

Susan Holmes stated that rather than having the petitioners wait and be in limbo on this issue she moved to deny the application with the stipulation that in the future when it has been decided what will be done in the area, that the petitioners be able to come back and resubmit an application and not have to repay the fee.

Motion died for lack of a second.

David Petersen stated that the City follows the State code and that there may not be a waiting period on a denial, but it may be possible that the petitioners would have to go through the petition process again which is not a lengthy process and it could be possible to come directly to the City Council for a decision at that time.

Larry Haugen stated that a few years ago, he, Tom Owens, and Stoneybrook Apts. dedicated 20 feet of property to the City for a road on the east side of the Hansens' property. He said that Hansens' home is standing in the way of that road being 40 feet all the way up.

Sheridan Hansen addressed the Council again stating that the house had been there long before the road and that they will fight to keep the house standing. She stated the fact that property was deeded for a road had nothing to do with the issue on the agenda.

Bill Wood addressed the Council stating that he was born and raised in the house where the Hansens are living. He stated that there is a descriptive deed on the property and that he understands that descriptive deeds override other deeds; that they are valid. He said that there is a rock wall on the east side that went up to the old City dump. Traffic on 600 North is very minimal and will never be a problem. He felt it was the responsibility of the City Council to approve the request and vacate the property to the Hansens.

Wayne Hansen stated that they believe their property line goes out into the street on the east side.

It was felt by the Council that the area needed to be surveyed to resolve the problem.

Motion:

Susan Holmes moved to table this agenda item until the City is able to determine what the development plans are for the area and to allow time for the Council to receive additional information regarding the survey discrepancy. Also to allow time for the City Council to have a site visit of the property. The motion was seconded by **Sid Young**. The motion passed by Council Members Susan Holmes, Sid Young, Rick Dutson and David Hale voting in favor. Council Member Larry Haugen had previously recused himself and did not vote.

Mr. Petersen stated that he would contact the County Surveyor on Monday regarding this boundary discrepancy.

Council Member Larry Haugen rejoined the City Council at this time (7:45 p.m.).

Public Hearing: Consideration to Sell Undeveloped Remnant Parcel of Heritage Park

The City had received an offer by David and Amy Bradshaw to purchase the “remnant” parcel of Heritage Park. The City Council and Mayor wanted to hold a public hearing prior to making a decision in order to receive input from the neighbors to Heritage Park. A letter of invitation to attend the public hearing had been mailed to all neighbors.

Mayor Connors opened the meeting to the public hearing at 7:50 p.m.

David Bradshaw, 1588 West 1500 North, addressed the Council stating that he previously lived at 1708 St. Andrews Drive for four years, and therefore was familiar with the covenants, conditions and restrictions regarding the subdivision. They felt like they would be able to build a house on the remnant parcel that would be compatible to the existing homes in the subdivision.

Amy Bradshaw stated that she loves Farmington and that friends and neighbors are in favor of them purchasing the parcel.

Dallin Moore, 1087 Oakridge Park Drive, questioned the process the City goes through in order to sell the property.

Mayor Connors responded to his question stating that the City would accept offers for the land. A minimum bid would be established. It would not be a regular auction. The City had

previously considered selling the land. The City would have to go through the subdivision process and the land be subdivided off from the park property. The City would establish a procedure to sell the one building lot and public notice would be given.

Susan Holmes reported that she had received two e-mails on this agenda item – one from Mark Rogers, who is opposed to selling the lot, and the other from Tom and Sandy Weeks, who stated that although they love the Bradshaws, they don't want the land sold for a building lot.

There being no further public comment, the public hearing was closed at 7:55 p.m.

Rick Dutson stated that it seems appropriate to move forward with the sale of the lot but expressed concern that the house style be compatible with the existing development. The home would not necessarily need to be a "Fieldstone" home, but to make sure it fits in the neighborhood.

Other general conditions to consider were whether it would be legal to add this lot to the existing PUD. If it were added, then the new lot owner would need to comply with the conditions, covenants and restrictions of the subdivision. The plat would need to be amended or else the lot could be encumbered with the same conditions as the PUD.

David Hale stated that the parcel of land was not large enough to add to the existing park that it was in the best interests of the citizens of Farmington to sell it. He felt comfortable moving forward with the sale.

Motion:

David Hale made a motion to authorize Mayor Connors to move forward with the subdivision application process for subdividing the lot from the Heritage Park property which would allow the remnant parcel to be sold through the bidding process. Staff is to look into the legality of adding this parcel to the existing PUD. Membership in the Homeowners Association shall be a requirement of ownership of this lot. The motion was seconded by **Rick Dutson** with all City Council members voting in favor.

Schematic Plan Approval for Gines Acres Subdivision - Gary and Kent Gines (Continued)

This agenda item had been tabled at the July 21 City Council meeting in order to allow time for a meeting with the Gary and Kent Gines, staff and two City Council Members. David Petersen reported that the meeting had been held with Council Members Susan Holmes and Sid Young. He stated that there were two options to be considered. Option #1 is to leave lots 1 through 4 the same size; square off lot 5; and to place a conservation easement over lot 6. Option #2 would be to expand lots 1 through 4 an additional 15 feet; reduce the size of the proposed lot 5 from 99.24 feet to 84.24 feet and place a conservation easement over all of future lot 6.

Mr. Petersen also stated that approval of the schematic plan would be contingent on:

- Developer meeting all of the regulations of the conservation subdivision ordinance.
- Developer should or (should not) be required to extend lots 1, 2, 3, and 4 the additional 15 feet.
- The developer should be required to grant a conservation easement in a form acceptable to Farmington City over the designated “hatched” area of Parcel A as shown on the drawing in the packet.

Susan Holmes reported on the subcommittee meeting. She stated that the two options had been agreed upon at the meeting. She said she would like to see the 15' left off because it gives a little bigger frontage on 1100 West which is going to be a very busy street some time in the future. The larger frontage would allow for better circular driveways and better buffering from the street which is designated as a major collector and which leads into the Park Lane interchange. She feels it is a safety issue.

Mayor Connors stated that under either option there should be some restriction that it would not be further subdivided beyond the two lots, that there would only be a total of 6 lots for the subdivision.

David Hale pointed out that the one parcel will have a conservation easement over it which is stronger than a deed restriction. The owners would not be able to subdivide it further.

Mayor Connors wanted to make sure something was placed on the other parcel to ensure that it will never be subdivided further. He stated that the City owes it to the neighborhood to keep faith with the neighbors that the subdivision will only be for a total of 6 lots that it cannot be further subdivided.

Sid Young stated that he appreciated meeting with Kent and Gary Gines. He said the lots are still smaller than the ones across the street but are acceptable and meet the requirements of the “AE” Zone.

Rick Dutson stated that he preferred not to reduce the size of the lots.

David Petersen reminded the City Council that this item was for schematic plan approval that it could be approved in concept tonight with the intention of discussing it further with the Planning Commission.

Motion:

David Hale moved to grant schematic plan approval for the Gines Acres Subdivision as outlined in Option #2 which would reduce lot 5 and place a conservation easement over lot 6 with instructions to be given to the Planning Commission to make sure they know that lots 5 and 6 are not to be further subdivided and to advise the City Council on deed restrictions to accommodate this objective. After receiving input at preliminary plat review, the Planning Commission shall determine whether or not the depth of the four lots should be decreased 15 feet as outlined in Option #1. The entire project will come back to the City Council for final plat consideration. **Sid Young** seconded the motion which passed by all Council Members voting in the affirmative.

Minute Motion Approving Business of Consent

A motion to approve the items of consent as listed below was made by **Susan Holmes** and seconded by **Larry Haugen** with all Council Members voting in the affirmative.

1. Sidewalk Replacement Reimbursement Agreement with Sherryl Crockett.
2. Public Improvements Extension Agreement with Dustin Putman.
3. Authorization Agreement with UDOT on Paving of 600 North Pedestrian Underpass.
4. Approval of Computer Services Agreement with 3C Business Solutions.
5. Resolution Appointing Mayor David M. Connors and Rick Dutson to the RDA's Taxing Entity Committee.
6. Authorization to hear Davis School District appeal regarding school bus facility.

Settlement Agreement regarding "Consent" issues with R. Kent Buie; Excel Legacy Corporation; PCH Investments, L.C.; Garbett Realty P.C.; Cowboy Partners, L.C.; The Homes at Shepard Creek HOA; The Estates at Shepard Creek HOA; and the Residential Home Owners Association

David Petersen reported that the Kent Buie development of 160 condominiums at approximately 850 North Shepard Creek Parkway had been at a big impasse. All people involved had been working out a compromise. The Planning Commission had given conditional use approval based on consents being signed. All parties to the agreement have signed except Excel Legacy Corporation. Their agreement was being sent to Mr. Buie. Mr. Petersen recommended that the City Council authorize Mayor Connors to sign the agreement after all other parties have signed.

Motion:

A motion was made by **Susan Holmes** to authorize Mayor Connors to sign the agreement after receiving any final review comments from the City Attorney and confirmation that all other parties to the agreement have signed. The motion was seconded by **David Hale**. The voting on the motion was unanimous in the affirmative.

Mr. Kent Buie addressed the Council stating that the development will be 14 units per acre of townhomes/condominiums. He has been given conditional use approval for his first phase of 160 units. The base price of the units will be between \$120,000 to \$160,000.

New “Draft” Inter-local Cooperation Agreement with FAPID

Because of potential litigation regarding this agenda item, it was determined to discuss this in closed session at the end of the meeting.

Ordinance Adopting and Enacting 14-6-125 Pertaining to Motorized Scooters

Police Chief Wayne Hansen introduced this agenda item stating that he is in favor of regulating the use of motorized scooters. He said the City Attorney is researching the ordinance defining what “parental supervision” means; focusing on parents being constantly in visual eyesight of the scooter while it is being driven. He also reported that he will be coming back to the Council at a later date to amend the ordinance to include language governing the use of pocket bikes.

Motion:

Susan Holmes moved that the City conceptually approve an ordinance enacting Section 14-6-125 of the Farmington City Municipal Code pertaining to motorized scooters and that the City Attorney be directed to research the language regarding direct “parental supervision” and that language be added to the ordinance restricting the use of motorized scooters on Farmington City trails. The motion was seconded by **Rick Dutson** and passed with all City Council Members voting in the affirmative.

Chief Hansen also expressed appreciation and gratitude to Mayor Connors and the City Council on behalf of himself and his Department for the recent changes in compensation. The changes had been very favorably received. He also expressed appreciation for the Mayor’s and Council’s time and service. He presented them with a “challenge” coin that is used in his department as an incentive for the officers. He stated that in the future he will be reporting on his Department quarterly at Council meeting.

Ken Hardy Proposal

David Petersen reported that staff had met with the Hardys along with Council Members David Hale and Sid Young to try and resolve problems relating to zoning; the street leading into his property; a water line and fire hydrant. This was on the agenda in order for the Council to give guidance to staff and to the Hardys on these issues. Mr. Hardy had sent a letter to the City with a possible proposal for approval which stated:

“That Ken Hardy will put a water main from Glovers Lane down to where Ken’s road turns and heads west. We will also include a fire hydrant the size will be determined by the City. Also will have 20 foot wide stretch of asphalt down to hydrant.”

“In return, City will grant Ken Hardy zoning for Business with shop and also approval of outdoor R.V. Storage area on approximately 4 acres that Ken owns.”

“Ken will retain ownership of his road.”

Mr. Petersen pointed out that the Fire Chief wants a hard surface, 20' road with water and a fire hydrant. It was the consensus of the Council that if the public would be traveling over that road that it has to be a dedicated road. If Mr. Hardy stays with his excavation business and doesn’t expand to another business which would necessitate public travel over the road, then the road would not need to be dedicated. If there is an expansion of business, that would trigger a road dedication. Staff was directed to continue to work with Mr. Hardy for a resolution of the issues.

“Friends of Farmington” 501(c)3 Proposal - Letter from City Attorney

Susan Holmes stated that the idea of organizing a 501(c)3 non-profit corporation came up about 1 ½ years ago as a means for receiving donations from people. She stated the problem with a city is that the money goes into the general fund and is not put into a specific area. She felt people are hesitant to give money to a city and that they would rather donate to a non-profit organization and that foundations and grants will not donate to a city.

The City Attorney had written a letter to the Mayor and Council expressing concern regarding establishing a 501(c)3. Some of the concerns he raised are: Who would run it? How would it be set up?

Mayor Connors stated that the difficult part of a non-profit organization is not in setting it up but it is in obtaining recognition from the IRS as a non-profit organization. There is a fairly detailed set of rules and regulations that must be followed in preparing Form 1023 in order to obtain IRS recognition. It is a complicated process. He stated that the cost would run in the thousands of dollars.

Rick Dutson suggested that contact be made with other cities to see if they have had any experience with 501(c)3 non-profit corporations.

Mayor Connors suggested that this proposal be further discussed with the City Attorney.

Andrew Hiller Letters re: Landscaping at Farmington Ranches

Mr. Hiller had sent correspondence to the City regarding two issues in the Farmington Ranches Subdivision. The first issue is regarding the space along the concrete walking trail which is City-owned property. He is suggesting that the City allow abutting property owners to plant, landscape, and maintain the open space area with the restriction that no fencing would be installed on the City-owned property.

The second issue concerns the appearance of 1525 West Street. There is a homeowners association for the Ranches, but the homeowners feel like the association is being controlled by The Boyer Company who at the present time is the majority homeowner in the association. Mr. Hiller and other residents want the street beautified.

It was decided that the City Council Problems/Resolutions Sub-committee comprised of David Hale and Sid Young meet with property owners on August 25, at 7:00 p.m. to discuss the issues.

City Appointments

Rick Dutson reported that he and Viola Kinney, Leisure Services Director, interviewed David Safeer for a vacancy on the Leisure Services Advisory Board. He recommended that he be appointed to fill a three-year term.

Motion:

A motion was made by **Rick Dutson** to appoint David Safeer as a member of the Leisure Services Advisory Board for a three-year term. The motion was seconded by **Susan Holmes**. The motion passed by a unanimous vote.

Miscellaneous

Community Arts Center Blinds

Approval was given for the purchase of electric blinds for the Community Arts Center. The funds for the purchase will be taken from Fund 43 for finishing the building.

Utah Conference on Children

Discussion was held regarding an appointment of a citizen to attend the Utah Conference

on Children to be held April 14-15, 2005 in the Salt Palace. That person would then come back into the community to make presentations about children and what can be done to provide better opportunities for them. Jean Alder had been suggested by staff as the representative for the City. The Council and Mayor also suggested the possibility of using either Miss Farmington or one of her attendants.

Forest Service Road

A copy of a letter to Loren Kroenke of the Forest Service, from Kim Wallace of Davis County Public Works, had been provided in the packet. The letter was regarding the final scope of work to create a fuel break on Forest Service Road, 80236, in Davis County. This road would be constructed from Farmington to Bountiful.

City Logo

Rick Dutson reported that a review of proposals for a new City logo had taken place and that Scott Eggers was the choice of the committee to prepare a new logo.

Mayor Connors wanted to make sure that all the laws had been complied with in choosing an artist for the log. Staff was directed to confirm this.

National Recreation and Parks Association Conference

Susan Holmes had information regarding a National Recreation & Parks Association Congress Expo in Reno, Nevada, October 12-16. She recommended that Viola Kinney, Leisure Services Director, attend the conference. She also reported that there was a lot of dust and dirt coming from the Fluor Ames Kramer construction trucks near 650 West and State Street.

Dead Trees

Larry Haugen reported that some of the trees in the downtown area of 100 East are dying and that possibly help should be obtained from an urban forester.

At 9:45 p.m. a motion to go into closed session to discuss issues relating to pending litigation was made by **Larry Haugen** with a second by **Susan Holmes**. The motion carried with all Council Members voting in favor.

At 10:00 p.m. a motion to go back into open session was made by **Larry Haugen** with a second by **Rick Dutson**. The motion carried with all Council Members voting in favor.

There being no further business, upon motion by **Larry Haugen** with a second by **Rick Dutson** the meeting was adjourned at 10:00 p.m.

Margy L. Lomax
City Recorder

